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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

SAGE HUMPHRIES, GINA MENICHINO,
 ROSEMARIE DeANGELO, DANIELLE
 GUTIERREZ, JANE DOE 100, JULIET
 DOHERTY, and JANE DOE 200,

Plaintiffs,

vs.

MITCHELL TAYLOR BUTTON and
 DUSTY BUTTON,

Defendants.

Case No.: 2:21-cv-01412-ART-EJY

**STIPULATION REGARDING
 PRODUCTION OF DOCUMENTS
 AND ELECTRONICALLY STORED
 INFORMATION AND ~~PROPOSED~~
 ORDER**

1 The parties hereby stipulate to the following provisions regarding the production of
2 documents in the above-captioned case. This stipulation is subject to and without waiver of
3 any objections that the parties may make in response to discovery.

4 **I. DEFINITIONS**

5 **A. “Document”** shall be interpreted consistently with the Federal Rules of Civil
6 Procedure.

7 **B. “Electronically stored information” or “ESI,”** shall be construed consistent
8 with the Federal Rules of Civil Procedure and as used herein, means and refers
9 to computer-generated information or data of any kind, documents stored in or
10 on any storage media located on computers, file servers, disks, tape, or other real
11 or virtualized devices or media.

12 **C. “Native file(s)”** means ESI in the file type for the application in which such ESI
13 is normally created, viewed, and/or modified.

14 **D. “Metadata”** shall have its plain and ordinary meaning and, for purposes of this
15 matter, references the data fields outlined in Section II.H below which describe
16 the characteristics, origins, and usage of electronic evidence.

17 **E. “Load file”** means a file or files containing a set of paper-scanned images or
18 electronically processed files and indicates where individual pages or files
19 belong together as documents, including attachments, and where each document
20 begins and ends. A load/unitization file will also contain data relevant to the
21 individual documents, such as agreed-upon metadata, coded data, and OCR or
22 extracted text.

23 **F. “OCR”** means the optical character recognition file, which is created by
24 software used in conjunction with a scanner that is capable of reading image-
25 based documents and making such documents searchable using appropriate
26 software.

1 **G. “Extracted text”** means the text extracted from a native file and includes all
2 header, footer, and document body information.

3 **II. PRODUCTION FORMAT**

4 Except as detailed below, all scanned paper and ESI should be converted/processed to
5 TIFF files, Bates numbered, and include fully searchable text.

6 **A. Global De-Duplication**

7 The parties shall de-duplicate ESI to avoid substantially duplicative productions. The
8 parties will globally de-duplicate as follows:

- 9 1. Electronic files: Electronic files will be de-duplicated based upon
10 calculated MD5 Hash values for binary file content.
- 11 2. Emails: Emails will be de-duplicated based upon MD5 Hash values for
12 the email family, including parent object and attachments. The
13 following fields will be used to create the unique value for each email:
14 To; From; CC; BCC; Subject; Body; and binary stream of all
15 attachments. Emails will be de-duplicated at a family level, including
16 the message and attachment(s).
- 17 3. Documents will be de-duplicated against the entire population and all
18 custodians of a de-duplicated document will be listed in a “Custodial
19 Dedupe” field.

20 **B. Bates Numbering Documents**

- 21 1. All images must be assigned a Bates number that shall always: (1) be
22 unique across the entire document production; (2) maintain a constant
23 length across the entire production; and (3) be sequential within a given
24 document.
- 25 2. If a Bates number or set of Bates numbers is skipped in a production,
26 and not otherwise identified on a privilege log, the producing Party will
27

disclose the Bates numbers or ranges in a cover letter accompanying the production.

C. Images

1. Images should be single-page, Group IV TIFF files, scanned at 300 x 300 dpi resolution.
2. Bates numbers should be endorsed on the lower right corner of all images.
3. The file name for each image should be the Bates number reflected in the lower right corner of each image.
4. The number of TIFF files per folder should not exceed 1,000 files.
5. All TIFF images shall display tracked changes, comments, and other rich data as displayed in the document, if the track changes were visible in the last saved version of the document, whenever possible.
6. All TIFF-formatted documents will be produced in black and white. The producing party will comply with reasonable requests to produce particularly identified ESI in the original, color image of specific documents (*e.g.*, where the color is relevant to the interpretation of the document). If a dispute arises as to the reasonableness of the request, the parties shall meet and confer in an effort to resolve their differences.

D. Text

Searchable text of the entire document must be provided for every record, at the document level. Extracted text must be provided for all documents that originated in electronic format, and electronic text must be extracted directly from the native electronic file unless it is a redacted document, an image file, or a hard copy document. In these instances, a text file shall be created using OCR and shall be produced in lieu of extracted text. The text file name shall be the same as the Beginning Bates number the document. File names shall not have any embedded spaces.

E. Paper Documents

1. Paper documents, including spreadsheets maintained in paper form¹, shall be produced as TIFF images (consistent with the specifications in Section II.C.) The production will include the appropriate load file which will, at a minimum, contain the following fields (described in detail in Section II.H.7.):
 - (a) Beginning Bates Number (PRODBEGNUMBER)
 - (b) Ending Bates Number (PRODENDNUMBER)
 - (c) Beginning Attachment Bates Number (PRODBEGATTACH)
 - (d) Ending Attachment Bates Number (PRODENDATTACH)
 - (e) Custodian
 - (h) Text Path (TEXTLINK).
2. In scanning paper documents, distinct documents shall not be merged into a single record, and single documents shall not be split into multiple records (*i.e.*, paper documents should be logically unitized) unless linked as a document family.

F. Production and Use of Native Files

1. Production of Native Files
 - (a) The full path of the native file, as it exists in the production, must be provided in the .DAT file for the NATIVELINK field.
 - (b) The number of native files per folder should not exceed 1,000 files.
 - (c) For files not also imaged to TIFF format, a placeholder image that identifies the Bates number and confidentiality designation

¹ If spreadsheets are maintained in native form, the producing party may not intentionally produce them in paper form only. This does not, however, impose a duty on the producing party to search for duplicate electronic versions of spreadsheets identified in paper form.

associated with the native document must be provided in lieu of a TIFF image. The file name of the native file produced shall be the Bates number of the corresponding TIFF slip sheet. Produce the following documents in native format with an image placeholder unless redactions are required:

(i) Microsoft Excel documents (with all data unhidden) including CSV files that are not easily converted to TIFF images;

(ii) PowerPoint: All pages (or slides) of the file should be produced with the corresponding notes below the slide; and

(iii) Multimedia files (audio, visual, etc.).

(d) To the extent a native file produced cannot be rendered or viewed without the use of proprietary third-party software, the parties shall meet and confer to discuss options.

G. Image Load File

The image key within each production load file shall be named the same as the Bates number of the page. The image cross-reference file is needed to link the images to the database. It is a comma-delimited file consisting of seven fields per line. There must be a line in the cross-reference file for every image in the database. The name of the image load file shall mirror the name of the delivery volume and should have an .opt extension (e.g., ABC001.opt). The volume names shall be consecutive (e.g., ABC001, ABC002, *et. seq.*).

The format is as follows:

ImageID, VolumeLabel, ImageFilePath, DocumentBreak, FolderBreak, BoxBreak, PageCount

ImageID: The unique designation that *Concordance*® and *Concordance Image*® use to identify an image.

***Note:** This imageID key **must** be a unique and fixed length number. This number will be used in the .DAT file as the ImageID field that links the database to the images. The format of this image key must be consistent across all productions. The format should be a 7 digit number to allow for the possible increase in the size of a production. The imageID should correspond exactly to the Begin Bates number in the document, including both the Bates prefix and the fixed length number (e.g. ABC0000001).*

VolumeLabel: Optional

ImageFilePath: The full path to the image file.

DocumentBreak: The letter “Y” denotes the first page of a document. If this field is blank, then the page is not the first page of a document.

FolderBreak: Leave empty

BoxBreak: Leave empty

PageCount: Optional

H. Metadata

1. The metadata load file shall use the following standard Concordance delimiters:
 - (a) Comma: ¶ (Character 20)
 - (b) Quote: ¨ (Character 254)
 - (c) Newline: ® (Character 174)
 - (d) Multi-line: ; (Character 59)
2. All date fields shall be produced in “mm/dd/yyyy.”
3. A carriage-return line-feed shall be used to indicate the start of the next record.
4. Load files shall not span across media (e.g., CDs, DVDs, Hard Drives, etc.) – i.e., a separate volume shall be created for each piece of media delivered.

5. The name of the metadata load file shall mirror the name of the delivery volume, and shall have a .dat extension (*i.e.*, ABC001.dat).
6. The volume names shall be consecutive for each produced source. (*i.e.*, ABC001, ABC002, *et. seq.*
7. The first record shall contain the field names in order of the data set forth in the chart below. The text and metadata of email and the attachments, and native file document collections should be extracted and provided in a .DAT file using the field definition and formatting described below.

Field Name	Sample Data	Description	Applicable Doc Type
PRODBEGNUMBER	EDC0000001	Begin Bates number (production number)	All
PRODENDNUMBER	EDC0000001	End Bates number (production number) **The PRODENDBATES field should be populated for single page documents/emails.	All
PRODBEGATTACH	EDC0000001	Begin Bates number of family unit (<i>i.e.</i> , Bates number of the first page of the parent email)	All
PRODENDATTACH	EDC0000015	Last Bates number of family range (<i>i.e.</i> , Bates number of the last page of the last attachment)	All
CUSTODIAN	Smith, John	Individual from whom the document originated	All
PARENTID	EDC0000001	Begin Bates number of a parent document	All
ATTACHIDS	EDC0000015; EDC0000016	Begin Bates number of each child attachment separated by “;”	All

Field Name	Sample Data	Description	Applicable Doc Type
FROM	John Smith	Author of the e-mail message	Email
TO	Coffman, Janice; LeeW [mailto:LeeW@MSN.com]	Main recipient(s) of the e-mail message **semi-colon should be used to separate multiple entries	Email
CC	Frank Thompson [mailto:frank_Thompson@cdt.com]	Recipient(s) of the “Carbon Copies” of the e-mail message **semi-colon should be used to separate multiple entries	Email
BCC	John Cain	Recipient(s) of “Blind Carbon Copies” **semi-colon should be used to separate multiple entries	Email
DOCUMENT SUBJECT	Board Meeting Minutes	Subject field extracted from the metadata of the native file	Email and E-docs
EMAIL SUBJECT	Board Meeting Minutes	Subject field extracted from the metadata of an email file	Email
TITLE	Board Meeting Minutes	The title of a document	E-docs
AUTHOR	John Smith	Creator of the document	E-docs
CREATEDATE	10/10/2010	Date the file was created	E-docs
CREATETIME ²	7:00 PM	Time file was created	E-docs

² Date and Time fields may also be combined into a single field and included in the loadfile as a single combined value.

Field Name	Sample Data	Description	Applicable Doc Type
SORTDATE	10/10/2010	Families: Date of the parent document Single/Loose Files: Date of the Document *Email = Sent Date *Electronic Loose File = Last Mod Date	Email and E-docs
SORTTIME	7:00 PM	Families: Time of the Parent document Single/Loose Files: Time of the Document *Email = Sent Time *Electronic Loose File = LastMod Time	Email and E-docs
LASTMODDATE	10/12/2010	Date the document was last modified	E-docs
LASTMODTIME	7:00 PM	Time document was last modified	E-docs
SENTDATE	10/12/2010	Date the email was sent	Email
SENTTIME	7:00 PM	Time email was sent	Email
FILESIZE	5,952,000	File size in bytes	Email and E-docs
FILEPATH	J:\Shared\Smit hJ\October Agenda.doc	Original Path to the document. Includes Folder information for Emails, Windows Directory structure for loose files	Email and E-docs
FILEEXT	MSG	The file type extension	Email and E-docs
DOCTYPE	email	File Type: email, image, spreadsheet, presentation, etc.	All

Field Name	Sample Data	Description	Applicable Doc Type
MD5HASH	A558c8b82958 54fa69a2ad9a7 cc75ab7	Unique identifier of the file	All
FILENAME	OctoberAgent a.doc	Original name of the file or subject of email	E-docs
TEXTLINK	.\ABC- 002\TEXT\TE XT001\EDC- 0000001.txt	Contains Path to .TXT files	All
DOCLINK	.\ABC- 001\NATIVES \NATIVES001 \EDC- 0000001_Conf idential.xls	Contains path to native files	Email and E-docs

8. Electronic file collection will be “De-NISTed,” removing commercially available operating system and application files contained on the current NIST file list. Identification of NIST list matches will be through MD5 Hash values.

I. Databases: To the extent a response to discovery requires production of information contained in databases, the parties will meet and confer to discuss an appropriate production protocol for information from such databases.

J. Compressed files: Compression file types (*i.e.*, .CAB, .GZ, .TAR., .Z, .ZIP) shall be decompressed in an iterative manner to ensure that a zip within a zip is decompressed into the lowest possible compression resulting in individual folders and/or files.

1 **K. Replacement files:** Any documents that are replaced in later productions shall
2 be identified in a letter accompanying the production clearly designating such
3 documents as replacements.

4 **L. Time Zone:** The preferred time zone of processing ESI is Uniform Coordinated
5 Time (UTC). Care should be taken, however, that any alteration of time zone
6 during processing does not interfere with or alter original metadata of that ESI.
7 The producing party shall consistently produce all ESI processed using the same
8 time zone.

9 **III. ELECTRONIC COLLECTION METHODS**

10 The parties need not employ forensic data collection or tracking methods and
11 technologies, but instead may make electronic copies for collection and processing purposes
12 using widely-accepted best practices or methods described in manufacturers' and/or
13 programmers' instructions, help menus, websites, and the like (e.g., .pst's, .zip's, etc.).

14 The parties shall utilize collection methodologies that avoid overwriting or altering
15 preexisting metadata such as file creation date or last modified date.

16 **IV. OTHER PRESERVATION OBLIGATIONS NOT AFFECTED**

17 Nothing in this Stipulation shall affect any other obligations of the parties to preserve
18 documents or information for other purposes, such as pursuant to court order, administrative
19 order, statute, regulation, or in response to other pending or anticipated litigation. In addition,
20 nothing in this Stipulation shall eliminate or alter any party's obligation to retain native format
21 copies, including associated metadata, of all documents produced in this litigation, together
22 with the original hard copy documents for all paper discovery produced in this litigation.

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V. NO WAIVER OF RIGHT TO MODIFY

This Stipulation may be revised or amended by the parties' written agreement.

SO STIPULATED AND AGREED.

Dated: May 31, 2022

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: May 31st, 2022